

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ACCEPT AN EASEMENT
FROM B. RICHARD BODWELL AND FRIEDA BODWELL,
AND DECLARING AN EMERGENCY.**

WHEREAS, B. Richard Bodwell and Frieda Bodwell own certain real property located at 171 Cleveland Street and known as Permanent Parcel No. 931-18-001 ("Bodwell property"); and

WHEREAS, the Village desires an easement over the Bodwell property for the purpose of the establishment, construction, reconstruction, widening, repair or maintenance of a public road; and

WHEREAS, B. Richard Bodwell and Frieda Bodwell have executed an Easement granting the Village such access; and

WHEREAS, this Council desires to authorize the Mayor to accept the easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Mayor be and is hereby authorized to accept the Easement granted by B. Richard Bodwell and Frieda Bodwell. A copy of the Easement is appended hereto and incorporated herein by reference.

SECTION 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 3. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 4. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Village may provide for the immediate acceptance of the Easement and thereby grant the Village access to the property that is subject to the Easement for the purpose of the establishment, construction, reconstruction, widening, repair or maintenance of a public road; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: September 24, 2012



Council President

ORDINANCE NO.: 2012- 46
INTRODUCED BY: MRS. EVANS

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Submitted to the Mayor for
his approval on this
25 day of September, 2012

Approved by the Mayor
September 25, 2012



Mayor

I hereby certify that Ordinance No. 2012- 46 was duly enacted on the 24 day of September
 , 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section
113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: B. Richard and Frieda Bodwell, the Grantor(s) herein, in consideration of the sum of 3,100.00, to be paid by Village of Chagrin Falls, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 3SH

PID No. 88290


SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: Volume 13371, Page 199, Cuyahoga County Recorder's Office.

And the said Grantor(s), for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner(s) of said premises, and lawfully seized of the same in fee simple, and have good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The property conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF B. Richard and Freida Bodwell have hereunto set their hands on
the 29 day of August, 2012.

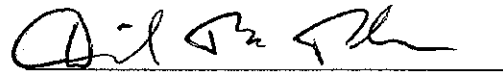

B. Richard Bodwell


Freida Bodwell

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the 29th day of AUGUST, 2012,
before me the subscriber, a Notary Public in and for said state and county, personally came the
above named B. Richard and Freida Bodwell who acknowledged the foregoing instrument to be
their voluntary acts and deeds.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official
seal on the day and year last aforesaid.



NOTARY PUBLIC
My Commission expires: July 14, 2014

This document was prepared by: CT Consultants for The Village of Chagrin Falls



Exhibit "A"

**DESCRIPTION OF PERMANENT RIGHT-OF-WAY EASEMENT
FOR
RICHARD B. & FRIEDA BODWELL**

Situated in the Village of Chagrin Falls, County of Cuyahoga, State of Ohio, and known as being a permanent Right-Of-Way easement over and through a part of Sublot No. 7 in W. J. Crawford's Subdivision of part of Russell Township Lot No. 18, Champion Tract and is bounded and described as follows.

Beginning in the southerly line of Cleveland Street, 60 feet in width, at its intersection with the westerly line of Columbus Street, 40 feet in width;

Thence North 27°26'06" West along said southerly line of Cleveland Street a distance of 44.79 feet to the principal point of beginning;

COURSE I Thence North 39°19'32" West a distance of 68.50 feet to the said southerly line of Cleveland Street;

COURSE II Thence South 51°12'58" East along said southerly line of Cleveland Street a distance of 35.00 feet to an angle point in said southerly line of Cleveland Street;

COURSE III Thence South 27°26'06" East along said southerly line of Cleveland Street a distance of 35.00 feet to the principal point of beginning and containing 0.006 acres (247 square feet) of land as calculated and described in November, 2011 by CT Consultants, Inc.;

RICHARD B. & FRIEDA BODWELL, grantor(s) herein, claim(s) title by or through instrument dated November 13, 1973 and recorded in Volume 13371, Page 199 of the Cuyahoga County Records;

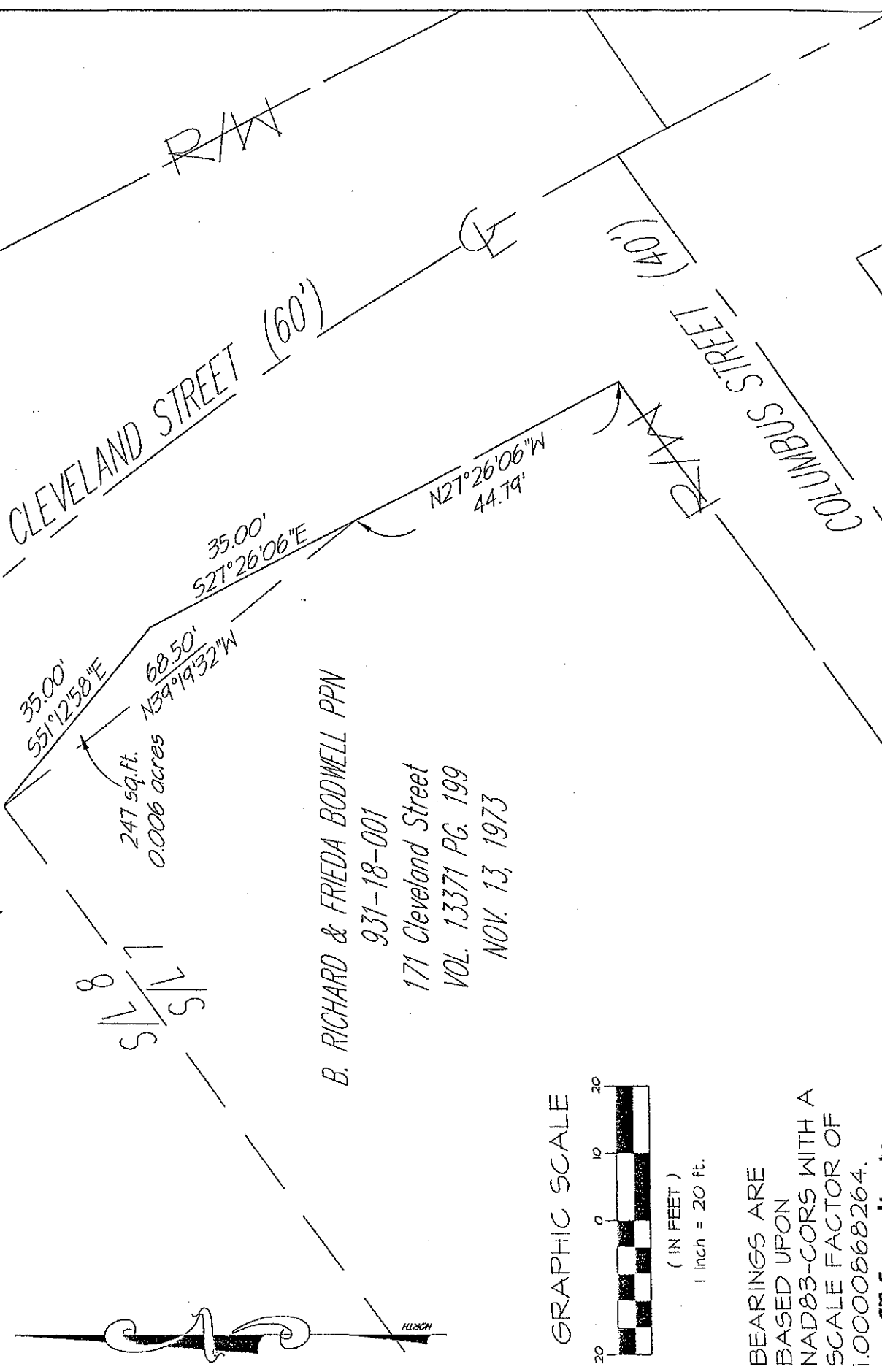
Bearings contained herein are based upon the North American Datum of 1983 (NAD83(CORS)).

The above described easement burdens a portion of property designated as Cuyahoga County Auditor's Permanent Parcel No. 931-18-001.

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EXHIBIT "B"
EASEMENT FROM RICHARD B. & FRIEDA BODWELL

(PPN: 931-18-001)



B. RICHARD & FRIEDA BODWELL PPN
931-18-001
171 Cleveland Street
VOL. 13371 PG. 199
NOV. 13, 1973



BEARINGS ARE
 BASED UPON
 NAD83-CORS WITH A
 SCALE FACTOR OF
 1.0000868264.

CT Consultants